



Committee on Ordinances

March 21, 2007 – 7:30 pm – **Agenda (Revised)**
City Council Chamber, Room 214, Municipal Building

View Minutes

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1. Public Hearing, CONTINUED, on a WRITTEN MOTION, Councillors Alves and Koczera, requesting on behalf of Auto Globe Garage, that the ZONING of 6 HATHAWAY STREET, Plot 100, Lot 112, be changed from Industrial (21NB) to MIXED-USE BUSINESS. (Ref'd 1/11/07, duly advertised in The Standard-Times on February 6, 2007 and on February 13, 2007, hearing continued on 2/20/07)
- 1a. COMMUNICATION, David A. Kennedy, City Planner to David Alves, Chairman, Committee on Ordinances, advising that the New Bedford Planning Board at a public hearing, on August 16, 2006, discussed a Petition by Councillors Alves and Koczera, to change the zoning on one lot (Plot 100, Lot 112) from INDUSTRIAL B to MIXED-USE Business. After hearing testimony from several proponents, the Planning Board closed the public hearing and voted to table the petition, with direction to the City Planner to seek an opinion from the City Solicitor, as to whether the petition represents a case of spot zoning. The petitioners also felt that this delay would give them time to canvas for more support from other abutting landowners wishing to be included in this change.

INVITEES: David Kennedy, City Planner; Attorney David Gerwadowski; City Solicitor Irene B. Schall; Abutters

2. Public Hearing, on a Written Motion, Councillor Gonsalves, due to time lapse on original Ordinance, RESUBMITTING a proposed Ordinance Amending Chapter 9, Section 4500 Downtown Business Overlay District (DBOD). (Ref'd 2/8/07, duly advertised in The Standard-Times on 3/7/07 and 3/14/07.)
- 2a. AN ORDINANCE, Amending Chapter 9, Downtown Business Overlay District (DBOD). (Ref'd 2/8/07, duly advertised in The Standard-Times on 3/7/07 and 3/14/07.)
- 2b. Communication, George N. Smith, Planning Board Chairman to Councillor Gonsalves, Chairperson Committee on Ordinances, advising that the Planning Board held a public hearing on December 20, 2006, to discuss proposed amendments to the City of New Bedford Code of Ordinances, more specifically Chapter 9, Section 4500. The Planning Board voted to send a **FAVORABLE RECOMMENDATION** regarding the proposed changes to the City Council Committee on Ordinances.

INVITEES: David Kennedy, City Planner; Attorney David Gerwadowski; City Solicitor Irene B. Schall; Abutters

3. Public Hearing on a Written Motion, Councillor Gomes, on behalf of Mr. Frank deFigueiredo, requesting that the Zoning on the east side of Springfield Street between Lynn and Brockton Streets, Plot 127B, Lots 508, 509, 510, 511, 512, 597 and 601 be changed from Industrial "A" to Residence "B" in their entirety. (Ref'd 2/8/07, duly advertised in The Standard-Times on 3/7/07 and 3/4/07)
- 3a. Communication, David Kennedy, City Planner to Councillor Gonsalves, Chairperson Committee on

Ordinances, informing the Committee that the Planning Board held a Public Hearing on 3/20/07 to discuss the change in zoning on Plot 127B, Lots 508-512, 597 and 601, from Industrial "A" to Residence "B." The Planning Board discussed the issue of eradicating the zoning buffer between the residents on Worcester Street and the rail line, and felt that this industrial buffer was strategic, with commuter rail on the horizon. The Planning Board, at this time, voted to send an **UNFAVORABLE RECOMMENDATION** to the Ordinance Committee.

INVITEES: David Kennedy, City Planner; Attorney David Gerwadowski; City Solicitor Irene B. Schall; Abutters

4. Public Hearing on a Written Motion, Councillor Gomes, on behalf of Mr. Michael Pimentel, requesting that the Zoning on E. Rodney French Blvd., between Mott and Rodney Streets, Plot 12, Lot 4, Plat 14, Lots 37, 91, 125, 160, 161, 162 be changed from Residence "B" to Mixed-Use Business in their entirety. (Ref'd 2/8/07, duly advertised in The Standard-Times on 3/7/07 and 3/14/07.)
- 4a. Communication, David Kennedy, City Planner to Councillor Gonsalves, Chairperson Committee on Ordinances, informing the Committee that the Planning Board held a Public Hearing on 3/20/07 to discuss the change in zoning on Plot 1 2, Lot 4 and Plot 14, lots 37, 91, 125, 160-162, from Residence "B" to Mixed-Use Business. The Planning Board voted to **TABLE** this matter in order to allow the Petitioner to meet with the neighbors.

INVITEES: David Kennedy, City Planner; Attorney David Gerwadowski; City Solicitor Irene B. Schall; Abutters

5. Public Hearing on a Written Motion, Council President Pimental, requesting that the Zoning of land located at 83 Cleveland Street, Plot 24, Lot 224, be changed from Residential "C" to Industrial "A". (Ref'd 2/22/07, duly advertised in The Standard-Times on 3/7/07 and 3/14/07.)
- 5a. Communication, David Kennedy, City Planner to Councillor Gonsalves, Chairperson Committee on Ordinances, informing the Committee that the Planning Board held a Public Hearing on 3/20/07 to discuss the change in zoning on Plot 14, Lot 224 from Residence "C" to Industrial "A". The Planning Board voted to send a **FAVORABLE RECOMMENDATION** to the Ordinance Committee.

INVITEES: David Kennedy, City Planner; Attorney David Gerwadowski; City Solicitor Irene B. Schall; Abutters

6. Public Hearing on a Written Motion, Councillor Coelho, on behalf of Mr. Urgel DaCosta, 302 Mt. Pleasant Street, that the Zoning of the east side of Belleville Avenue, Plot 86, Lot 21 be changed from Industrial to Mixed-Use Business. (Ref'd 2/22/07, duly advertised in The Standard-Times on 3/7/07 and 3/14/07.)
- 6a. Communication, David Kennedy, City Planner to Councillor Gonsalves, Chairperson Committee on Ordinances, informing the Committee that the Planning Board held a Public Hearing on 3/20/07 to discuss the change in zoning on Plot 86, Lot 21, from Industrial "B" to Mixed-Use Business. The Planning Board, at this time, voted to send a **FAVORABLE RECOMMENDATION** to the Ordinance Committee.

INVITEES: David Kennedy, City Planner; Attorney David Gerwadowski; City Solicitor Irene B. Schall; Abutters

7. Written Motion, Council President Pimental and Councillor Saunders, requesting that the Ordinance Committee and the City Council's Legal Counsel draft an Ordinance establishing a RED LIGHT CAMERA SAFETY PROGRAM for the City of New Bedford. (Ref'd 2/8/07)
- 7a. Communication/Packets/Brochures, Council President Pimental, submitting American Traffic

Solutions, Inc. Photo Traffic Safety & Enforcement Solutions – re: Red Light Camera Systems; Presentation – re: Red Light Camera Safety Program and System – January 2007. (Ref'd 2/8/07)

INVITEES: Attorney David Gerwatowski

8. Communication, Councillor Gonsalves, from The Reverend Mark Green, Sr., Pastor, Bethel, A.M.E. Church, requesting a Home Rule Bill to increase both the Offices of the Mayor and City Councillors to FOUR-YEAR-TERMS. (Ref'd 11/10/05)

INVITEES: Reverend Mark Green, Sr.

9. COMMUNICATION, City Solicitor Schall, to City Council, submitting AN ORDINANCE, amending Chapter 2, Administration, by ADDING Article XVII, Sections 2-235 through 2-237; the proposed Ordinances establishes the CHIEF FINANCIAL OFFICER'S appointment, duties and qualifications. (Ref'd 10/26/06, not heard 11/28/06 remain in committee)
- 9a. AN ORDINANCE,

INVITEES: Attorney David Gerwatowski; City Solicitor Irene B. Schall

10. COMMUNICATION, City Solicitor Schall, to City Council, submitting AN ORDINANCE, amending the Unit C Schedule to replace "Treasurer M-13" with "Treasurer M- 14." (Ref'd 10/26/06, not heard 11/28/06 remain in committee)

INVITEES: Attorney David Gerwatowski; City Solicitor Irene B. Schall

11. Communication, Attorney David Gerwatowski, Legislative Counsel to the City Council submitting the Modification of MGL c.32B§19, stating he conferred with Attorney Arthur Caron and he has made his draft language available so that the Committee can review it. He does not believe that a Home Rule Petition is necessary to accomplish the goal of establishing collaborative bargaining for healthcare coverage. He believes that it can be accomplished by way of agreement between the City and the bargaining units.
- 11 a. Draft Agreement,

INVITEES: Attorney David Gerwatowski

12. Written Motion, Councillors Lawrence, Gonsalves, Alves, Pimental, Pina, Coelho, Morad, Saunders, DeMedeiros, Koczera and Gomes, requesting than an Ordinance be drafted by the City Council removing the appointing authority for its Legal Counsel from the jurisdiction of the Administration; and further, that the Ordinance state the responsibility and approval for the appointment of the Legislative Counsel to the City Council solely rest with the City Council itself. (Ref'd 3/8/07)

INVITEES: Attorney David Gerwatowski

13. Written Motion, Councillors Lawrence, Gonsalves, Alves, Pina, Coelho, Morad, Saunders, Koczera, DeMedeiros, Gomes, and Pimental, requesting that an Ordinance be drafted by the City Council removing the appointing authority for its Assistant Clerk of Committees from the jurisdiction of the Administration; and, further, that the Ordinance state the responsibility and approval for the appointment of the Assistant Clerk of Committees solely rest with the City Council. (Ref'd 3/8/07)

INVITEES: Attorney David Gerwatowski